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Defendant.

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IT IS, THEREFORE, ORDERED, ADJUDGE, AND DECREED that plaintiff's Motion for Summary Judgment is **DENIED**, the Commissioner's Motion for Summary Judgment is **GRANTED**, and the final decision of the Commissioner is **AFFIRMED**, and this action is **DISMISSED**.

Signed: December 15, 2005

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

